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RUEHLO/AMEMBASSY LONDON PRIORITY 8159
RUEHFR/AMEMBASSY PARIS PRIORITY 8687
RUEHMO/AMEMBASSY MOSCOW PRIORITY 1758
RUEHRO/AMEMBASSY ROME PRIORITY 0427
RUEHUL/AMEMBASSY SEOUL PRIORITY 0524
RUEHBK/AMEMBASSY BANGKOK PRIORITY 0236
RUEHBR/AMEMBASSY BRASILIA PRIORITY 0265
RUEHMD/AMEMBASSY MADRID PRIORITY 0630
RUEHME/AMEMBASSY MEXICO PRIORITY 0284
RUEHAT/AMCONSUL AMSTERDAM PRIORITY 0027
RUEHHK/AMCONSUL HONG KONG PRIORITY 0033
RUEHSO/AMCONSUL SAO PAULO PRIORITY 0052
RUCPDO/DEPT OF COMMERCE WASHDC PRIORITY
RUEHIN/AIT TAIPEI PRIORITY 0094
RUEAHL/DEPT OF HOMELAND SECURITY WASHDC PRIORITY
RULSDMK/DEPT OF TRANSPORTATION WASHDC PRIORITY
RUEFHLC/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
RUEHBS/FAA EUROPE AFRICA MID EAST RGN HQ BRUSSELS BE PRIORITY
RHMCSUU/FAA NATIONAL HQ WASHINGTON DC PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY

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SIPDIS

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GM

SUBJECT: GERMANY AGREES TO CBP IMMIGRATION ADVISORY PROGRAM
FOR FRANKFURT

REF: STATE 26738

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¶1. (SBU) Summary. German Interior Ministry Director for Air, Sea, and Rail Security Dieter Romann told CBP Representative (Frankfurt) and Global Affairs Officer March 29 that Germany agrees to the U.S. proposal to post four CBP officers at Frankfurt Airport as part of the Immigration Advisory Program (IAP). He believed the program could be implemented in 30-60 days and undertook to notify appropriate German agencies (MFA, Federal Police). Romann stressed the need for the IAP to work closely with the Federal Police (Bundespolizei and previously called the Border Police or Grenzschutz) in charge of immigration at the airport. Romann raised several issues he hopes can be addressed before launching IAP at Frankfurt, including: (1) the disposition of checked luggage in the case of a "no board" recommendation, (2) the establishment of an agreed procedure in the case of complaints about the program, and (3) a decision on whether the U.S. will respond to the 2004 German proposal for a bilateral Trusted Traveler program. Mission Germany notes several issues concerning office space, ICASS, and security will need to be addressed in order to implement the program. End Summary.
MEETING WITH MOI

¶2. (SBU) In the meeting, Romann stressed German priorities for close CBP-Federal Police cooperation, including informing the Federal Police of any "hits" so that the Federal Police might revisit their immigration-related decisions if necessary. He also wanted to be sure IAP will act only in

advisory capacity and would cover all U.S.-bound flights out of Frankfurt, not just German and/or U.S. airlines. Romann offered to contact Frankfurt airport to encourage that IAP CBP officers be provided office space near the Federal Police. He verified the IAP officers would be accredited to Consulate General Frankfurt and undertook to inform the MFA on this point. (He reported April 2 he had done so). He said in principle the Federal Police want to establish informal cooperative liaison, so that it might be possible, at the Federal Police's request, to run the name of a passenger not/not bound for the U.S. by the IAP CBP officers. He noted he had contacted his counterparts in other EU capitals and had been told the USG sometimes allows entry of an alien even if s/he is a no-fly or other "hit." For this reason, Romann said, he wants to establish in advance agreed procedures for handling such cases, especially those that could become known in the press.

¶3. (U) CBP Representative mentioned the APEC Regional Movement Alert System and urged Romann that Germany consider joining it at the appropriate time.

MEETING WITH FRANKFURT AIRPORT, CARRIERS

¶4. (SBU) ConGenOff and CBP Representative also discussed IAP with Frankfurt Airport (Fraport) and carrier interlocutors March 15. Volker Wendeferer, Fraport Senior Vice President and head of aviation operations, noted some negative perceptions by the German traveling public of U.S. port-of-entry personnel/procedures. Wendeferer noted construction at the airport -- some of it mandated by changing U.S. and European security procedures -- and indicated the airport might help locate office space in the terminal but would first need to know any particular requirements. (The rate for office space at Fraport is about 35 euros per square meter, per month). American Airlines

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General Manager Janis Cameron-Scott, chair of the organization of carriers operating in Frankfurt, said carriers would support IAP to help avoid ambiguity and potential fines for transporting inadmissible passengers. Cameron-Scott also cautioned that German authorities are sensitive to any implication that USG personnel are interfering or duplicating German efforts. She hopes carriers will have after-hours access to advice from IAP personnel. Wendeferer and Cameron-Scott provided ConGenOff and CBP Representative a tour of sample office space (a 20-30 square meter office which could fit two workstations). (CBP Comment: The space we were shown appeared adequate for IAP needs. End Comment.) Under ICAO rules, the airport is obligated to charge users in non-discriminatory fashion for services rendered.

ICASS

¶5. (U) Mission Germany does not see any insurmountable administrative impediments to the IAP, with the following caveats.

-- ICASS Budget: Recent decisions at the Washington level to cap Mission Germany's base ICASS budget without reference to documented operational requirements would appear to restrict the Mission's ability to adjust the budget upward (per routine ICASS policy) to meet the support requirements of agencies with a growing presence in Germany. Should this cap on funding not allow for the normal growth in the ICASS budget that should accompany increased overseas presence, Mission Germany will be unable to approve NSDD-38 requests for added staff.

-- Accreditation: The German MFA will need to agree to accredit these new positions. The Mission expects we will want to declare to the MFA that the IAP staff are members of the Consulate staff with offices there. This declaration may help avoid controversy about staff being stationed outside the city, something which may spark German objections to accreditation. Office space at Frankfurt airport, if any, would be seen as supplementary office space.

-- Office space: USG-leased office space will need to meet security requirements (see below) and may raise the potential

issue of how the German government would treat this space, i.e., as diplomatic in nature or not.

-- Per Mission Germany's ICASS TDY policy, DHS/CBP will be charged for support to any TDY personnel sent for more than 30 days if the cost exceeds \$2,500. The contemplated six-month TDY would trigger such a payment. The Financial Management Office will prepare an ICASS TDY invoice which would include charges for Basic Package, Community Liaison Office, and Health Unit support. DHS/CBP would be charged routinely (based on workload counts) for other desired ICASS services (such as cashiering or additional office space at the Consulate).

-- An NSDD-38 request is required to establish new positions.

-- ConGen Frankfurt likely will not have government-owned housing to accommodate IAP staff and families. DHS/CBP should budget for short-term lease money in the event it is necessary to obtain short term leased housing.

SECURITY

¶6. (SBU) RSO observes that given the close proximity of Frankfurt Airport to the Consulate General, a collocation waiver to the Secure Embassy Construction and Counterterrorism Act (SECCA) of 1999 may be required, with

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the approval of the Assistant Secretary for Diplomatic Security. Such a waiver will be unsuccessful without a safe and secure office site for the IAP employees. The NSDD-38 needs to state that these off-compound offices are contingent on the collocation waiver approval. There may also be security enhancement costs for this initiative.

P AND I: CONTAINER SECURITY INITIATIVE (CSI) EXPERIENCE

¶7. (SBU) Concerning the issue of Privileges and Immunities, ICE Representative in Frankfurt notes that CSI staff on TDY status do not hold accreditation, only personnel assigned permanently to Hamburg do. The initial difficulty obtaining accreditations for the CSI employees was due to their working outside of Consulate General Hamburg. The German government (along with the governments of the UK, France, and Italy) was hesitant to grant privileges and immunities to personnel working at a distance from the consulate or embassy. (Please note that Washington employs the same rules on accreditation encountered by CSI employees). The Embassy will request P and I for the new positions at the airport since they should be within the Consulate limits. The TDY employees will travel on official passports, receive a German visa in Washington before their travel, and update it in Germany as necessary. They will not exceed one year in TDY status and are unaccompanied -- although family members do visit. DHS will be assessed ICASS support for the long duration TDY personnel.

TIMKEN JR